

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>DIOSMERIS ESPINAL</p> <p>Plaintiff,</p> <p>v.</p> <p>ALLIED INTERSTATE, INC., HSBC, LVNV FUNDING, LLC</p> <p>Defendant(s).</p>	<p>CIVIL ACTION NO.</p> <p>(REMOVAL OF ACTION)</p>
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NOTICE OF REMOVAL OF
CIVIL ACTION FROM STATE COURT

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defendant, LVNV FUNDING, LLC (hereinafter referred to as “LVNV”), by and through its undersigned attorney, respectfully represents as follows:

1. The removing parties are Defendant(s) in the above entitled action.
2. On or about 11/14/11, the above entitled action was commenced, by the filing of a Civil Action against Allied Interstate, Inc., HSBC and LVNV Funding, LLC in the Hudson County Special Civil Part, Case No. DC-24360-11 (the “State Court Action”), and is now pending therein. *A true and correct copy of the Civil Complaint is attached and marked as Exhibit A.*
3. The State Court Action seeks, *inter alia*, the following relief: monetary damages for breach of contract, monetary damages for violation of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (See *Exhibit B*).
4. This Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. §1331, as it involves a federal question with regards to the alleged violations of the Fair Debt Collections Practice Act, 15 U.S.C. §1692 *et seq.* Thus, this action must therefore be removed to this Court pursuant to 28 U.S.C. §1441(a). Furthermore, this Court will have

pendent jurisdiction over any other state claims that may be asserted by the Plaintiff.

5. Defendants, HSBC and Allied Interstate, Inc., have consented to the removal of this matter.

6. This notice is timely filed with the Court within thirty (30) days after service of the complaint on the removing parties in the above entitled action pursuant to 28 U.S.C. §1446(b).

WHEREFORE, the removing parties pray that the above entitled civil action be removed from Hudson County, Special Civil Part, DC-24360-11.

Respectfully submitted,
MAURICE & NEEDLEMAN, P.C.

/s/Rachel Marin, Esquire
RACHEL MARIN, ESQUIRE
Attorney for LVNV Funding, LLC
5 Walter E. Foran Blvd, Ste 2007
Flemington, NJ 08822
(908) 237-4550
(908) 237-4551 fax
rmarin@mnlawpc.com

Date: December 19, 2011

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>DIOSMERIS ESPINAL</p> <p>Plaintiff,</p> <p>v.</p> <p>ALLIED INTERSTATE, INC., HSBC, LVNV FUNDING, LLC</p> <p>Defendant(s).</p>	<p>CIVIL ACTION NO.</p> <p>(REMOVAL OF ACTION)</p>
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CERTIFICATION OF SERVICE

I, RACHEL MARIN, ESQUIRE, hereby certify that on December 19, 2011, a true and correct copy of the attached NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT, was served upon the persons and in the manner set forth below:

FIRST CLASS MAIL, POSTAGE PREPAID, AS WELL AS ELECTRONICALLY IF APPLICABLE, to:

Yaakov Saks, Esq.
Law Offices Of Matthew Rose
209 Main Street, 2nd Floor
Fort Lee, NJ 07024
ysaks@theroselaw.com

Matthew B. Johnson, Esq.
Vice President - Legal
iQor US Inc./Allied Interstate LLC/RMS (an iQor Corp)
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Therese Angelica D. Gonzaga
HSBC Technology and Services - Service Delivery
PO Box 49352
San Jose, CA 95161
thereseangelicadgonzaga@hsbc.com.ph

Respectfully submitted,
MAURICE & NEEDLEMAN, P.C.

/s/Rachel Marin, Esquire
RACHEL MARIN, ESQUIRE
Attorney for LVNV Funding, LLC
5 Walter E. Foran Blvd, Ste 2007
Flemington, NJ 08822
(908) 237-4550
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**UNITED STATES DISTRICT COURT
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NOTICE OF FILING NOTICE OF REMOVAL

TO: Yaakov Saks, Esq.
Law Offices Of Matthew Rose
209 Main Street, 2nd Floor
Fort Lee, NJ 07024
ysaks@theroselaw.com

Matthew B. Johnson, Esq.
Vice President - Legal
iQor US Inc./Allied Interstate LLC/RMS (an iQor Corp)
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New York, NY 10017
matthew.johnson@iqor.com

Therese Angelica D. Gonzaga
HSBC Technology and Services - Service Delivery
PO Box 49352
San Jose, CA 95161
thereseangelicadgonzaga@hsbc.com.ph

TO THE PARTIES:

PLEASE TAKE NOTICE, that on December 19, 2011, LVNV FUNDING, LLC in the above entitled action, filed a Notice of Removal, copies of which are attached hereto, of the above entitled action in the United States District Court for the District of New Jersey.

You are also advised that LVNV FUNDING, LLC, on filing such Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey also filed and served a copy thereof by regular mail with the Clerk, Special Civil Part, Hudson

County, to effect the removal pursuant to 28 U.S.C. 1446. By virtue of 28 U.S.C. 1446(d), Hudson County, Special Civil Part has no further jurisdiction over this action and you should proceed no further in that Court or under its authority.

Respectfully submitted,
MAURICE & NEEDLEMAN, P.C.

/s/Rachel Marin, Esquire
RACHEL MARIN, ESQUIRE
Attorney for LVNV Funding, LLC
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Date: December 19, 2011



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Donald S. Maurice
Member NJ Bar
Board Certified
Creditors' Rights Law
American Board of Certification

Joann Needleman
Member PA & NJ Bar

Thomas R. Dominczyk
Member NJ, NY & PA Bar

Rachel Marin
Member NJ & NY Bar

December 19, 2011

Clerk, Special Civil Part
Hudson County Court House
595 Newark Avenue
Jersey City, NJ 07306

RE: DIOSMERIS ESPINAL v. ALLIED INTERSTATE, INC., HSBC, LVNV
FUNDING, LLC
Case No. DC-24360-11

Dear Sir/Madam:

Enclosed please find an original and one copy of a Notice of Removal. Kindly file
and return a filed copy in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Very Truly Yours,

MAURICE & NEEDLEMAN, P.C.

Rachel Marin, Esq.
For the Firm

RM/klp

Enc.

cc: Yaakov Saks, Esq.
Matthew B. Johnson, Esq. (Allied Interstate, Inc.)
Therese Angelica D. Gonzaga (HSBC)

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